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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,837	08/22/2005	Robin R. Gibson	121629-05014555	1922
20583	7590	01/13/2009		
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			EXAMINER TAYLOR II, JAMES W	
			ART UNIT	PAPER NUMBER
			1796	
			MAIL DATE	DELIVERY MODE
			01/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Attachment to Advisory Action

1. Applicant's amendment filed 12/23/2008 has been fully considered; however, the amendment has not been entered given that it raises other new issues that would require further consideration and/or search.
2. Specifically, the new issues are claim 15 and 27 would use a thermosetting organic resin; and claim 38 claims titanium dioxide in its mixture, wherein the method is a method of "opacifying" the composition. As such, the proposed claims contain new issues that warrant further considerations and/or updated searches.
3. Applicant's arguments with respect to claims 15-39 are moot in view of the proposed amendment being denied entry.
4. However, in the interest of better enabling the applicant to assess the patentability of the proposed claims, the following response to applicant's arguments filed on 12/23/2008 is presented as if the amendment were entered.

Hypothetical Response to Arguments

5. Applicant's arguments, see p. 3, filed 12/23/2008, with respect to claims 15-39 would be fully considered, with respect to claims 15-25 would not be persuasive, and with respect to claims 26-39 would be persuasive. Thus the rejections of claims 26-39 over the applied prior art would be withdrawn. Specifically regarding claims 15-25, the applicant argues that Lepilleur in view of Spiller or Spiller in view of Lepilleur does not

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teach a thermosetting resin, which Lepilleur and/or Spiller does not teach a thermosetting resin.

6. Lepilleur does disclose that a crosslinking monomer can be used as a comonomer for its PVC (c. 4, ll. 32). As such, under KSR rationale (e), it would have been obvious to try using a thermoset polymer. As such, the rejection of Lepilleur in view of Spiller and Spiller in view of Lepilleur would be maintained.

7. Regarding claims 26 and 27 (and hence claims dependent thereon) presently do not contain PVC in their Markush of polymers. As such, the rejection of Lepilleur in view of Spiller and Spiller in view of Lepilleur would be withdrawn.

8. Regarding independent claim 38, in Lepilleur and/or Spiller there is no suggestion of “opacifying” the composition. As such, the rejection of Lepilleur in view of Spiller and Spiller in view of Lepilleur would be withdrawn.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Taylor II whose telephone number is (571) 270-5457. The examiner can normally be reached on 7:30 am to 5:00 pm (off every other Friday).

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James W Taylor II/
Examiner, Art Unit 1796

jwt2

/Vasu Jagannathan/
Supervisory Patent Examiner, Art Unit 1796